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EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/681,845	FRANKEN ET AL.
Office Action Summary	Examiner	Art Unit	
	Dominic D. Saltarelli	2611	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Terminal Disclaimer

1.   The terminal disclaimer filed on January 5, 2006 disclaiming the terminal portion

of any patent granted on this application which would extend beyond the expiration date

of U.S. Patent No. 6,252,547 has been reviewed and is accepted. The terminal

disclaimer has been recorded.

Response to Arguments

2.   Applicant's arguments filed January 5, 2006 regarding claims 1, 11, 12, 16, and

17 have been fully considered but they are not persuasive.

Regarding claims 1 and 12, applicant argues that neither Madison nor

Horn teach using multiple criteria (applicant's remarks, page 13, last paragraph).

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., using multiple criteria) are not recited in the rejected claims. Although

the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,

26 USPQ2d 1057 (Fed. Cir. 1993). The claims include limitations for making

signal strength calculations, but no limitations regarding how these calculations

are used. Only the distance from a point calculator is claimed to supply

information used for authorization for availability of programming (claim 1, lines

12-15).

Also regarding claims 1 and 12, applicant argues that Horn does not teach performing a signal strength calculation based on a location, only a measurement of a signal (applicant's remarks, page 14, lines 1-5).

In response, the examiner must note that measurement of a signal strength performed by a digital computer is a computation, and therefore a calculation of signal strength.

Regarding claim 11, applicant argues that the notion of calculating a signal strength of a signal and then not affecting any ability to receive that very signal is not taught or suggested by the cited references.

In response, examiner must note that the eligibility determination (claim 11, lines 8-11) taught by Madison refers to an Internet download from a webpage, not a terrestrial broadcast, and therefore naturally does not affect any ability to receive a terrestrially broadcast signal. Further, the notion of calculating a signal strength of a signal and then not affecting any ability to receive that very signal is not even claimed.

3.   Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new grounds of rejection.

4.   Regarding the official notice taken that it is notoriously well known in the art to provide radio broadcast programming from a content server over the Internet, allowing

users to enjoy radio broadcasts from their computers, the applicant did not traverse, and there it is taken as an admission of the fact therein.

5.   Regarding the official notice taken that the use of "black out" by content providers is used for restricting access to the broadcast of live football games to users within a certain distance of the stadium in which said game is taking place. The use of "black out" for sportings event, specifically football games, is a right granted to the NFL by the FCC. Said right entitles the NFL, the content provider for live broadcast football games, to the ability to restrict the broadcast of said football game in the event a certain amount of seats (tickets) have not been sold at the stadium in which the game is taking place, the applicant did not traverse, and there it is taken as an admission of the fact therein.

6.   Regarding the official notice taken that it is notoriously well known in the art to utilize DMAs (Designated Market Areas) for determining content availability, as DMAs are the local market definition used by the Nielsen Media Research company to designate regionally specific viewership markets, and as such are very valuable tools used by content providers when deciding what content to provide to what areas, as DMAs are determined based on the viewing habits by the majority, the applicant did not traverse, and there it is taken as an admission of the fact therein.

7.   Regarding the official notice taken that it is notoriously well known in the art to provide local news broadcasts to requesting users over the internet, allowing users to view said news broadcasts on their computers, which provides the benefit of allowing users to access said news at their convenience, applicant did not traverse, and therefore it is taken as an admission of the fact therein. See MPEP 2144.03(C).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Madison (US 2002/0023123 A1, of record) in view of Horn et al. (US

2001/0022000 A1, of record) [Horn], Craport et al. (5,796,634) [Craport], McNutt et al.

(US 2001/0037211 A1) [McNutt], and Schneidewend et al. (6,182,287) [Schneidewend].

Regarding claims 1 and 12, Madison discloses a system for authorizing

broadcast reception (figs. 2 and 3) comprising:

an authorization server (host computer system 210, paragraph 26) which

includes and is configured by software therein which receives a geographic

location (geographic cookie, paragraphs 5 and 32) and programming request

input (the content being requested by the client, for example, webpages and

streaming media, paragraph 33);

said authorization server further includes a distance from a point calculator

which supplies information used for authorization for availability of programming

to said first location based upon a geographic calculation that said first location is

within a predetermined radius from a third location (known as "blackout", content

providers may designate all local receivers within a certain distance from a

sporting event as ineligible to receive a broadcast version of the sporting event,

paragraphs 11 and 16);

said authorization server further including software and is configured to

provide information used for authorization of programming to said first location if

said first location is location is located in a GIS boundary, as determined by a

GIS boundary computer (paragraph 11); and

said authorization server is configured to determine eligibility for said

geographic location and programming request input and repetitively compute

additional requests, including authorization denials determined by said

authorization server (the system disclosed applied to a great many users

accessing various websites, fig. 2, clients 231-236, and includes sending

authorization denials, paragraphs 11 and 16).

Madison fails to disclose said authorization server further includes a What

Channels Server that is configured by software to perform a signal strength

calculation for a first location of a terrestrial broadcast signal, which is broadcast

from a second location, wherein said signal strength calculation determines that

a signal strength of said terrestrial broadcast signal at said first location exceeds

a predetermined threshold; said authorization server further coupled to a location

database which returns a lat/lon (latitude/longitude coordinates) when provided

with a street address; and a programming content and business rule database

which includes a list of programming options which are available over various

signal distribution mechanisms to said first location; and includes a plurality of

business rules used for authorizing delivery of programming, and provides a

location specific authorized content list which is a subset of said programming

content database.

In an analogous art, Horn teaches providing wireless internet access

through a proxy server (paragraph 62) wherein a central station receives

transmission condition parameters that are used for calculating link quality

reports, said parameters including the signal strength perceived by a mobile

station (paragraphs 64 and 67), for the benefit of maintaining a link quality level,

as when a maximum power level is being utilized by a base station for

transmission (the measured power level exceeds a predetermined threshold at

this point), the station must resort to other means to maintain the link's quality

level (paragraphs 71 and 75).

It would have been obvious at the time to a person of ordinary skill in the

art to modify the system disclosed by Madison to include a server (base station)

configured to perform a signal strength calculation for a first location of a

terrestrial broadcast signal (signal strength measured at mobile station), which is

broadcast from a second location (proxy server), wherein said signal strength

calculation determines that a signal strength of said terrestrial broadcast signal at

said first location exceeds a predetermined threshold, as taught by Horn, for the

benefit of maintaining a desired link quality level for receiving content at a client

station.

Madison and Horn fail to disclose said authorization server is further coupled to a location database which returns a lat/lon (latitude/longitude coordinates) when provided with a street address; and a programming content and business rule database which includes a list of programming options which are available over various signal distribution mechanisms to said first location; and includes a plurality of business rules used for authorizing delivery of programming, and provides a location specific authorized content list which is a subset of said programming content database.

In an analogous art, Craport teaches a location database which returns latitude and longitude coordinates when provided with a street address, for the benefit of identifying a particular geographic zone associated with a location (col. 14, lines 26-51).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison and Horn to include a location database which returns latitude and longitude coordinates when provided with a street address, as taught by Craport, for the benefit of identifying a particular geographic zone associated with a street address.

Madison, Horn, and Craport fail to disclose said authorization server includes a programming content and business rule database which includes a list of programming options which are available over various signal distribution mechanisms to said first location; and includes a plurality of business rules used

for authorizing delivery of programming, and provides a location specific

authorized content list which is a subset of said programming content database.

In an analogous art, McNutt teaches a content and business rule database

which includes a list of options which are available to users to a first location and

includes a plurality of business rules used for authorizing content (databases

contain location information and identifies where different types of wagering are

legal or allowed based on location, paragraphs 48 and 63), for the benefit of

restricting the provision of services only to those locations where it is legal or

otherwise allowed to provide said services.

It would have been obvious at the time to a person of ordinary skill in the

art to modify the system disclosed by Madison, Horn, and Craport to include a

content and business rule database which includes a list of options which are

available to said first location and includes a plurality of business rules used for

authorizing delivery of services, as taught by McNutt, for the benefit of restricting

the provision of programming content only to those locations where it is legal or

otherwise allowed to provide said programming content.

Madison, Horn, Craport, and McNutt fail to disclose providing a location

specific authorized content list which is a subset of said programming content

database.

In an analogous art, Schneidewend teaches creating content lists that are

a subset (abbreviated list, col. 5, lines 9-14) of a complete list of available content

which is generated based on records of used services (col. 5, lines 63-66) that

are displayed for a particular location (list is generated for a particular user, col. 5, lines 36-38), for the benefit of allowing users to quickly navigate through available services and minimizing the confusion associated with an overlarge list (col. 5, lines 9-14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison, Horn, Craport, and McNutt to include creating content lists that are a subset of a complete list of available content which is generated based on records of used services (unused services, such as denied requests for content, are thus excluded) that are displayed for a particular location, as taught by Schneidewend, for the benefit of allowing users to quickly navigate through a displayed list available services and minimizing confusion.

Regarding claim 16, Madison, Horn, Craport, McNutt, and Schneidewend disclose the system of claim 12, but fail to disclose the programming content database contains radio programming.

Examiner takes official notice that it is notoriously well known in the art to provide radio broadcast programming from a content server over the Internet, allowing users to enjoy radio broadcasts from their computers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison, Horn, Craport, McNutt, and

Schneidewend to include radio programming, for the benefit of allowing users to

enjoy radio broadcast content from their computers.

Regarding claim 17, Madison, Horn, Craport, McNutt, and Schneidewend

disclose the system of claim 12, wherein said programming content database

contains television programming (Madison teaches the content includes televised

broadcasts of sporting events, paragraph 16).

10.   Claims 2, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Madison in view of McNutt and Horn.

Regarding claims 2 and 13, Madison discloses a method for authorizing

distribution of programming (paragraph 11) comprising the steps of:

providing a geographic location (geographic cookie, paragraph 32) and

programming request (the content being requested by the client, for example,

webpages and streaming media, paragraph 33) to an authorization server (host

computer system 210, page 3, paragraph 26);

returning a business rule (regional restriction of sporting event broadcasts,

paragraph 16);

wherein said business rule is selected based upon both a geographic

location component and a programming component of said geographic location

and programming request (the restriction of broadcast of a sporting event is

based on both the geographic region from where a request in being made, and

upon the programming being requested, namely, the sporting event, paragraph 16), said business rule is not based solely upon a signal strength of a terrestrially broadcast signal (the rule is based upon geographic location and content being requested); and

processing said business rule to generate an indication of eligibility of reception of programming (if the user lives within a restricted region, the user is ineligible to receive the content, paragraphs 11 and 16).

Madison fails to disclose returning a set of business rules which are stored in a database, said database including a business rule which is based upon a signal strength of a terrestrially broadcast signal.

In an analogous art, McNutt teaches a business rule database which includes a list of options which are available to users to a first location and includes a plurality of business rules used for authorizing content (databases contain location information and identifies where different *types* of wagering are legal or allowed based on location, paragraphs 48 and 63), for the benefit of restricting the provision of different services only to those locations where it is legal or otherwise allowed to provide said services.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison to include returning a set of business rules stored in a database, as taught by McNutt, for the benefit of restricting the provision of plural different services and programming only to

those locations where it is legal or otherwise allowed to provide said services and programming.

Madison and McNutt fail to disclose the database includes a business rule which is based upon a signal strength of a terrestrially broadcast signal.

In an analogous art, Horn teaches providing wireless internet access through a proxy server (paragraph 62) wherein a central station receives transmission condition parameters that are used for calculating link quality reports, said parameters including the signal strength perceived by a mobile station (paragraphs 64 and 67), for the benefit of maintaining a link quality level, as when a maximum power level is being utilized by a base station for transmission (the measured power level exceeds a predetermined threshold at this point), the station must resort to other means to maintain the link's quality level (paragraphs 71 and 75).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison to include a business rule based upon a signal strength of a terrestrially broadcast signal, said rule used in maintaining a wireless transmission link, as taught by Horn, for the benefit of maintaining a desired link quality level for receiving content at a client station.

Regarding claim 14, Madison, McNutt, and Horn disclose the method of claim 13, wherein said programming is television programming (Madison teaches the content includes televised broadcasts of sporting events, paragraph 16).

Regarding claim 15, Madison, McNutt, and Horn disclose the method of claim 13, but fail to disclose the programming is radio programming.

Examiner takes official notice that it is notoriously well known in the art to provide radio broadcast programming from a content server over the Internet, allowing users to enjoy radio broadcasts from their computers.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison, McNutt, and Horn to include radio programming, for the benefit of allowing users to enjoy radio broadcast content from their computers.

11.   Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison, McNutt, and Horn as applied to claim 2 above, and further in view of Craport.

Regarding claim 3, Madison, McNutt, and Horn disclose the method of claim 2, but fail to disclose said geographic location and programming request includes a first street address and said authorization server is coupled to a location database, which is configured to generate a first lat/lon reference which corresponds to said first street address.

In an analogous art, Craport teaches a location database which returns latitude and longitude coordinates when provided with a street address, for the benefit of identifying a particular geographic zone associated with a location (col. 14, lines 26-51).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison, McNutt, and Horn to include a location database which returns latitude and longitude coordinates when provided with a street address, as taught by Craport, for the benefit of identifying a particular geographic zone associated with a street address.

Regarding claim 4, Madison, McNutt, and Horn disclose the method of claim 2, wherein the geographic location and programming request includes a postal zip code (Madison, paragraph 32, wherein the geographic cookie includes the zip code of the client), but fail to disclose said authorization server is coupled to a location database, which is configured to generate a first lat/lon reference which corresponds to said postal zip code.

In an analogous art, Craport teaches a location database which returns latitude and longitude coordinates when provided with a zip code, for the benefit of identifying a particular geographic zone associated with a location (col. 14, lines 26-51).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Madison, McNutt, and Horn to include a location database which returns latitude and longitude coordinates when provided with a postal zip code, as taught by Craport, for the benefit of identifying a particular geographic zone associated with a postal zip code.

Regarding claim 5, Madison, McNutt, Horn, and Craport disclose the

method of claim 3, wherein said set of business rules includes a software

algorithm which relates to distance from a point calculation which analyzes a

distance separation between said first street address and a second geographic

location (Madison discloses applying "black out", paragraphs 5 and 16, wherein

"black out" is the restriction of a broadcast sporting event to viewers within a

certain distance from the venue from where the sporting event is taking place, as

such the second geographic location is said venue at which a live sporting event

is taking place).

Regarding claims 6 and 7, Madison, McNutt, Horn, and Craport disclose

the method of claim 5, but fail to disclose said second geographic location is a

stadium configured for playing football games therein and said programming

component of said geographic location and programming request is a request for

programming of a live football game being performed in said stadium.

Examiner takes official notice that the use of "black out" by content

providers is used for restricting access to the broadcast of live football games to

users within a certain distance of the stadium in which said game is taking place.

The use of "black out" for sportings event, specifically football games, is a right

granted to the NFL by the FCC. Said right entitles the NFL, the content provider

for live broadcast football games, to the ability to restrict the broadcast of said

football game in the event a certain amount of seats (tickets) have not been sold at the stadium in which the game is taking place.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison, McNutt, and Craport to include econd geographic location is a stadium configured for playing football games therein and said programming component of said geographic location and programming request is a request for programming of a live football game being performed in said stadium, for the benefit of allowing certain clients to watch a live football game being broadcast while restricting others according to FCC regulations.

Regarding claim 8, Madison, McNutt, Horn, and Craport disclose the method of claim 3, wherein said set of business rules includes a software algorithm which relates to includes of said first street address in a first GIS boundary (Madison teaches comparing a client's location with a specified geographic area to determine eligibility to receive requested data, paragraph 11).

Regarding claim 9, Madison, McNutt, Horn, and Craport disclose the method of claim 8, but fail to disclose said first GIS boundary is a DMA.

Examiner takes official notice that it is notoriously well known in the art to utilize DMAs (Designated Market Areas) for determining content availability, as DMAs are the local market definition used by the Nielsen Media Research

company to designate regionally specific viewership markets, and as such are very valuable tools used by content providers when deciding what content to provide to what areas, as DMAs are determined based on the viewing habits by the majority.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison, McNutt, and Craport to include said first GIS boundary is a DMA, for the benefit of utilizing a monitored a well defined viewership region when determining regions in which to provide programming.

12.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison, McNutt, Horn, and Craport as applied to claim 3 above, and further in view of Ahlenius et al. (5,859,839, of record) [Ahlenius].

Regarding claim 10, Madison, McNutt, Horn, and Craport disclose the method of claim 3, but fail to disclose said set of business rules includes a software algorithm which relates to predicting a signal strength of a first terrestrially broadcast signal carrying first programming content to said first street address and said programming component of said geographic location and programming request is a local television station news broadcast; wherein said step of processing said set of business rule results in an eligibility indication when said signal strength exceeds a predetermined threshold.

In an analogous art, Ahlenius teaches using a software algorithm which relates to predicting the signal strength of a first terrestrially broadcast signal at any particular point in a geographic area (col. 4, lines 48-58, wherein subtracting the pathloss from an input power signal results in the signal strength at that point), for the benefit of determining the boundaries of the coverage area of any given broadcast source (col. 4, lines 38-47, wherein significant pathloss represents a boundary region from a broadcast source).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison, McNutt, Horn, and Craport to include in said set of business rules a software algorithm which relates to predicting a signal strength of a first terrestrially broadcast signal carrying first programming content to a particular point in a geographic area (said first street address), as taught by Ahlenius, for the benefit of determining the boundaries of the coverage area of any given broadcast source, such as a television broadcaster. This combination results in said step of processing said set of business rule results in an eligibility indication when said signal strength exceeds a predetermined threshold, because Madison teaches providing geographically localized data only in certain geographic regions (paragraph 16), and locally broadcast data is considered localized data to those customers within range of receiving it.

Madison, McNutt, Horn, Craport, and Ahlenius fail to disclose said programming component of said geographic location and programming request is a local television station news broadcast.

Examiner takes official notice that it is notoriously well known in the art to provide local news broadcasts to requesting users over the internet, allowing users to view said news broadcasts on their computers, which provides the benefit of allowing users to access said news at their convenience.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison, McNutt, Horn, Craport, and Ahlenius to include said programming component of said geographic location and programming request is a local television station news broadcast, for the benefit of allowing users to view local news broadcasts at their convenience.

13.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Ahlenius.

Regarding claim 11, Madison discloses a system comprising:

a world wide network (computer network 220 in fig. 2 is the Internet, paragraph 27);

a client computer disposed at a first location (client 231 in fig. 2) and coupled via an internet connection to said world wide computer network (paragraph 27);

said client configured via software therein to generate geographic location

(geographic cookie, paragraphs 5 and 32) and programming requests (the

content being requested by the client, for example, webpages and streaming

media, paragraph 33);

an authorization server (host computer system 210, paragraph 26),

coupled to said world wide computer network (as shown in fig. 2);

said authorization server configured with software accessible thereto, to

make an eligibility determination relating to delivery of programming to said client

computer via said world wide network without affecting any ability to receive a

terrestrially broadcast signal (paragraphs 11 and 16); and

said authorization server using a distance from a point calculator to

determine a separation of said first location from a geographic location of a

stadium which is configured to be used for sporting events (known as "blackout",

content providers may designate all local receivers within a certain distance from

a sporting event as ineligible to receive a broadcast version of the sporting event,

paragraphs 11 and 16).

Madison fails to disclose said authorization server use a What Channels

Server with a signal strength calculator for predicting a strength of a terrestrial

broadcast signal at said first location.

In an analogous art, Ahlenius teaches a server using a software algorithm

which relates to predicting the signal strength of a first terrestrially broadcast

signal at any particular point in a geographic area (col. 4, lines 48-58, wherein

subtracting the pathloss from an input power signal results in the signal strength at that point), for the benefit of determining the boundaries of the coverage area of any given broadcast source (col. 4, lines 38-47, wherein significant pathloss represents a boundary region from a broadcast source).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Madison to include a server running a software algorithm which relates to predicting a signal strength of a first terrestrially broadcast signal carrying first programming content to a particular point in a geographic area (said first location), as taught by Ahlenius, for the benefit of determining the boundaries of the coverage area of any given broadcast source, such as a television broadcaster.

Conclusion

14.   Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

15.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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